

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TAKEDA PHARMACEUTICALS U.S.A.,
INC.,

Plaintiff,

v.

MYLAN PHARMACEUTICALS INC.,

Defendant.

C.A. 19-2216-RGA

**STIPULATION AND PROPOSED ORDER
AND SCHEDULE FOR PRELIMINARY INJUNCTION PROCEEDINGS**

Plaintiff Takeda Pharmaceuticals U.S.A., Inc. (“Takeda”) has filed a complaint alleging breach of the parties’ Settlement and License Agreements and patent infringement, and seeking a permanent injunction and other equitable and monetary relief based on the sale and distribution by defendant Mylan Pharmaceuticals Inc. (“Mylan”) of a product sold under or described in Mylan’s ANDA No. 209470 (the “Mylan ANDA Products”). Mylan alleges that it is licensed under the parties’ Settlement and License Agreements and that it intends to vigorously defend against any claims.

Counsel for Takeda and Mylan have met and conferred regarding Mylan’s sale and distribution of Mylan ANDA Products. Takeda informed Mylan that, in view of Mylan’s sale and distribution of Mylan ANDA Products, it intended to file a motion for a preliminary

injunction as well as an emergency motion for a temporary restraining order to stop further sales. Mylan informed Takeda that it was prepared to oppose any such motions.

In lieu of burdening this Court with an emergency motion for a temporary restraining order, the parties have agreed to a stipulation related to the further sales and distribution of Mylan ANDA Products, and subject to the entry by this Court of this proposed order, agree to an expedited briefing schedule, and request for expedited hearing date at the Court's earliest convenience following briefing, for this Court to hear and decide Takeda's Motion for a Preliminary Injunction.

Accordingly, the parties hereto stipulate and agree to the following, and respectfully request that the Court enter this stipulation as an Order:

1. This Court has subject matter jurisdiction in this matter and the parties have agreed not to object to personal jurisdiction or venue in the District of Delaware in this case.
2. The parties will meet and confer regarding specific and narrow expedited discovery, if any, necessary for the Preliminary Injunction briefing and hearing.
3. Takeda shall file and serve its Motion for a Preliminary Injunction and Opening Brief in Support thereof no later than the 5th day of December, 2019. Mylan shall file and serve any papers in opposition to Takeda's Motion for a Preliminary Injunction no later than the 20th day of December, 2019. Takeda shall file and serve any reply papers no later than the 7th day of January, 2020.
4. The Court shall conduct a hearing on the Motion for a Preliminary Injunction at its earliest availability after January 9, 2020. The Court acknowledges the parties have a

preference for a date between January 9, 2020 and January 17, 2020. The hearing will begin at

____: _____ a.m. on January ____, 2020.

Dated: December 5, 2019

/s/ Francis DiGiovanni

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SO ORDERED, on this _____ day of December, 2019

The Hon. Richard G. Andrews
United States District Court Judge